

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 3774-4

C# M#

CHRISTOPHERS et al

Serial No. 09/833,799

Filed: April 13, 2001

Title: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

DEC 10 2001

PATENT &amp; TRADEMARK OFFICE

Group Art Unit:

Examiner:

Date: December 10, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

|  |    |                      |              |         |
|--|----|----------------------|--------------|---------|
| Total effective claims after amendment | 0  | minus highest number |              |         |
| previously paid for                    | 20 | (at least 20) =      | 0 x \$ 18.00 | \$ 0.00 |

|                                    |   |                      |              |         |
|------------------------------------|---|----------------------|--------------|---------|
| Independent claims after amendment | 0 | minus highest number |              |         |
| previously paid for                | 3 | (at least 3) =       | 0 x \$ 84.00 | \$ 0.00 |

|  |         |
|--|---------|
| If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) | \$ 0.00 |
|--|---------|

|  |         |
|--|---------|
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) | \$ 0.00 |
|--|---------|

|   |         |
|---|---------|
| Terminal disclaimer enclosed, add \$ 110.00 | \$ 0.00 |
|---|---------|

|   |         |
|---|---------|
| <input type="checkbox"/> First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) | \$ 0.00 |
| <input type="checkbox"/> Please enter the previously unentered, filed   |         |
| <input type="checkbox"/> Submission attached  |         |

**Subtotal \$ 0.00**

|  |          |
|--|----------|
| If "small entity," then enter half (1/2) of subtotal and subtract  | -\$ 0.00 |
| <input type="checkbox"/> Applicant claims "small entity" status. <input type="checkbox"/> Statement filed herewith |          |

|  |         |
|--|---------|
| Rule 56 Information Disclosure Statement Filing Fee (\$180.00) | \$ 0.00 |
|--|---------|

|                                    |         |
|------------------------------------|---------|
| Assignment Recording Fee (\$40.00) | \$ 0.00 |
|------------------------------------|---------|

|        |      |
|--------|------|
| Other: | 0.00 |
|--------|------|

**TOTAL FEE ENCLOSED \$ 0.00**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
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NIXON & VANDERHYE P.C.  
By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

CHRISTOPHERS et al

Atty. Ref.: 3774-4

Serial No.: 09/833,799

Group Art Unit:

Filed: April 13, 2001

Examiner:

For: POLYPEPTIDES AND POLYPEPTIDE ANALOGUES

\* \* \* \* \*

December 10, 2001

RESPONSE TO NOTICE TO COMPLY

Hon. Commissioner of Patents  
and Trademarks  
Washington, DC 20231

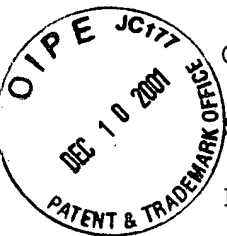
Sir:

This is in response to the Notice to Comply dated  
October 10, 2001, in the above. Kindly amend this  
application as follows.

REMARKS

Favorable consideration of this application and entry  
of the foregoing amendments are respectfully requested.

In response to the Notice to Comply dated October 10,  
2001, Applicants direct attention to the fact that the  
above-identified application is a continuation of  
Application No. 08/427,170, filed April 24, 1995, which is  
a continuation of Application No. 07/926,371, filed  
August 10, 1992, which is a continuation of Application No.



07/536,096, filed June 8, 1990. The MPEP indicates that the sequence listing rules are not applicable to continuations or divisionals filed after October 1, 1990, unless a parent application was also subject to the rules. Here, the parent most application was filed prior to October 1, 1990, and thus was not subject to the rules, nor were the subsequent filings. Accordingly, the present case should not be subject to the rules and thus it is submitted that there should be no requirement for the submission of a paper or computer readable Sequence Listing. It is respectfully requested that a paper be issued confirming that such is the case.

An early and favorable Action on the merits is requested.

Respectfully submitted,

**NIXON & VANDERHYE, P.C.**

By Mary J. Wilson  
Mary J. Wilson  
Reg. No. 32,955

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/833,799

04/13/2001

Enno Christophers

3774-4

CONFIRMATION NO. 1948

## FORMALITIES LETTER



\*OC000000006876132\*

Patent & Trademark Office  
DEC 10 2001  
Enno J. Wilson  
NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

Date Mailed: 10/10/2001

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

*Almad*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE